

Refugee Reports

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ELDERLY SOUTHEAST ASIAN REFUGEES: STILL STRANGERS IN A STRANGE LAND

She was in her fifties, although, as with many Hmong, her exact age was not certain. She had survived terrible conflicts in her own country and an arduous journey to the United States. Unskilled and unable to speak English, she spent her days at home, in one of Philadelphia's most run-down neighborhoods.

She dreaded going out, her family said. Car rides made her sick. She had no friends.

One day, her children came home from church to discover the doors to the house locked. When they finally broke in, they found her hanging from the banister.

Even now, three years later, the Hmong community is still shocked.

Her case is an extreme and unusual one, but it does underscore reports from others working with Southeast Asian elderly, that many may be suffering. These professionals say that while there are few statistics and little research about elderly refugees from Southeast Asia, evidence suggests that many may be isolated, depressed, and lonely, feeling more acutely many of the same problems as the elderly in the general U.S. population.

In the years since World War II, conditions for the elderly in general have improved in the United States, according to Dan Schulder, senior public policy associate for the National Council on the Aging. He cited increased access to health insurance and medical care, the "fairly stable job picture," and a higher level of pension funding.

However, he noted some disturbing recent trends as well. Nearly 9 million elderly, about 7 million of them women, live alone. More than 12 percent of all elderly live below the federal poverty line, defined as income of \$5,393 per year for individuals and \$6,802 for couples. And it has become "very difficult for people in their fifties to get jobs," Schulder said. Those jobs that are available, often pay little, he added.

He also noted two problems of particular relevance to elderly Southeast Asians--intergenerational conflict and isolation. "Loneliness and lack of a role within the family remain a major problem for the elderly,"

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Although rarely subject to the attention of researchers or of government program planners, elderly refugees often encounter distinct problems in adapting to life in the United States. This issue focuses particular attention on how elderly Southeast Asian and Soviet Jewish refugees are coping with their changed circumstances.....1

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Schulder said.

Elderly Southeast Asian Refugees Face Unique Obstacles In addition to the problems they share with all elderly, refugees endure added burdens as well. Those who were professionals in their homelands often must take demeaning jobs in the United States. Those with unskilled backgrounds have little chance of getting any work.

Older Southeast Asian refugees stay home alone while their children go off to work and their grandchildren, to school.

And as their children and grandchildren learn to adjust to American culture, many leave behind the cultural values and traditions of the grandparents. So the elders, who would have been revered in Cambodia, Laos, or Vietnam, often feel rejected here.

According to those familiar with the field, there are few programs in the nation that deal with elderly refugees. Where such programs exist, they are usually privately supported. While some see little need for specially funded programs for elderly refugees, those providing services report large elderly participation. And they say much more can be done.

Elderly Refugees Are Small Percentage of Southeast Asian Arrivals Of the 800,000 Southeast Asians who arrived in the United States between 1975 and 1986, less than 3 percent, roughly 23,000 people, were 65 years old or older, according to the Office of Refugee Resettlement (ORR). By contrast, around 27 million people, or 12 percent of the general population, are older than 65.

The percentage of elderly arrivals seems to be slightly less than their makeup in the population of their homelands. In a study of 1980 populations, the United Nations found more than 5 percent of Southeast Asians to be over 60--5.8 percent of the Vietnamese, 4.8 percent of Laotians, and 4.3 percent of Cambodians.

Southeast Asian societies have much younger populations than many other countries generating refugees who resettle in the United States. For example, the median age in 1980 for Poles was 30; for Romania, 31; and for the Soviet Union, 29; but for Cambodia, Laos, and Vietnam the median age was 20.

Though the percentage of elderly Southeast Asian refugees is small, their

problems, experts say, may be enormous. And hardest hit are those from rural backgrounds, who arrived with little formal education and few job skills.

Lack of Language Ability Inhibits Assimilation According to Jill Borg Spitzer, executive director of Jewish Family and Child Services in San Diego, the troubles for elderly refugees begin with lack of language ability.

"Elderly refugees suffer because they never use the language and language is never taught with the elderly in mind. Young people often don't have the patience or skills to work with the elderly." Not knowing the language leads to increased dependency on others and a loss of self-esteem, Spitzer said.

Generation Gap Leads to Depression Among Elderly The elderly's sense of self-worth is also affected by what Louise Kamikawa, director of the National Pacific and Asian Resource Center on Aging in Seattle, calls "the disappearance of filial piety." She said, "the younger generation is assimilating very fast and this leads to the quick disintegration of the family unit. The push to move the young into the society," she adds, "moves them away from their culture."

Assimilation of the young can have a severe impact on the aging. "When the elderly see the Americanization of their grandchildren, they become very depressed," said Spitzer. "They believe they're losing their culture and their heritage."

Dr. Jane Lin-Fu, a consultant with the National Institute of Health's Division of Maternal and Child Health, describes the cultural paradox confronting many elderly refugees: "In the old country, it is to your advantage to be old. Here, it is to your advantage to be young."

As their children and grandchildren adapt to the youth-oriented culture, the elderly are left behind, according to Chi Do, executive director of the Indochinese Cultural Center in Houston. "The children are out at work. The grandchildren's life is an American life. The elderly can't go out, so they just stay inside every day, see the walls every day, and nothing else. They don't know how to solve their problems."

Some research suggests that it becomes harder for the elderly to cope as time



*A Cambodian father and daughter helping each other learn English.
Photo Credit: Judy Canty*

passes. According to a study of elderly Vietnamese women in Denver and Honolulu by Barbara Yee, a graduate student, and Peter Van Arsdale, coordinator of Colorado's mental health program for refugees, there is "a tendency for helplessness to increase over time." Van Arsdale describes this growing inability to cope as "learned helplessness" and says it results from people being in situations where they feel they have no control over their environment. "Our study suggests that adaptation is not a smooth process."

Further information on the elderly's ability to adapt may emerge from a study being undertaken by the Refugee Policy Group (RPG) in Washington, DC. The study, which could be released this summer, will be based on interviews with more than 150 elderly refugees and service providers in five U.S. cities, according to RPG staff. RPG hopes to identify problems and conditions common to general, immigrant, and refugee aged.

Programs Begin to Ease Isolation To help end feelings of isolation and encourage adaptation, a number of programs have recently begun operating. Few are funded by the federal government, according to Joanne Schneider, from Temple University. The reason, she said, is "there is an emphasis on employment. Most federal programs look at the young and neglect the experience of older refugees."

Jane Kretzmann, Minnesota coordinator of refugee programs, says that ORR has not had the money to put into programs for the elderly. ORR has mandated that 85 percent of social service funds be focussed on employment-related activities. The other 15 percent can be applied to support services such as orientation or counseling. Programs for elderly refugees "don't fit into the 85 percent funds and the 15 percent funds are strapped," said Kretzmann.

(continued on page 6)

A DEATH IN THE FAMILY

Recently, the American friend of a Cambodian refugee family sent us his impressions of the final months before the death of the family's oldest member. The story put in human terms the most intense of experiences. It also illustrates the shared trauma of so many elderly refugees and their children: finding ways to preserve precious cultural and religious practices and beliefs.

As the author wrote us, "I witnessed their coming to terms with the process of dying and of grief in a country not their own, amidst ways apart from theirs. I watched them bravely work within our system to preserve their own options and their father's wishes during a deeply emotional time. I wonder how many other refugee families have simply given in silently to the frustration." Below are excerpts. No real names are used.

For months now, Chhoeun and I have been talking about her father-in-law's failing condition, and what the appropriate thing to do at the final time would be. She and I had had the same conversations right after her mother died last year. The family wants more control than they had then; they want to relieve unnecessary physical and emotional suffering for their father.

Chhoeun called me in July to ask about the American legal constraints against dying at home. Knowing that there was little more that the doctor could offer to do, she wanted to be sure that if he died at home over the weekend without medical attention, the family would not be breaking some special American code against home-deaths.

We called the neighborhood funeral home primarily because they had dealt with the deaths of Cambodian refugees before, and we knew they were at least somewhat aware of and caring about the requirements of a Cambodian cremation. They assured us that there is nothing improper about dying at home in America, and outlined the procedure to follow after a death: call the

attending physician to come and pronounce death; if he can't come, call 911 and tell the emergency people what has happened, and that arrangements have already been made with the funeral home. They added that after the cremation, they would be careful to set aside a few small bone fragments for the family to take to the Cambodian temple for the funeral.

The day before, the family had taken their father to the emergency room because he was in such excruciating pain. This was done at the attending physician's recommendations, they told me. He himself would not be there, nor would he prescribe any pain medicine over the phone. Chhoeun says she told the doctor she knew the emergency room rules don't allow them to do much without the okay of the attending physician in such a case, but the doctor encouraged them to try. After waiting in ER for two hours while the staff tried to reach the doctor, now in surgery across town, they gave up and went home. All the hospital could offer was Tylenol 3 and a mild codeine suppository.

I went to the house Saturday. Chhoeun's father-in-law was in great distress--heavy breathing, lots of pained, spasmodic movements. The room was cool, in spite of the more than 20 friends and family sitting around on the floor talking quietly, mostly about his condition, or waiting their turn to help massage his legs, chest, and arms. From time to time, someone would turn on a tape-recorded Buddhist prayer.

The family was deeply upset their father hadn't been given any medication for such obvious distress. We decided that I should call his attending physicians and explain the situation, in case there had been a communication problem. However, neither doctor returned my call that night.

A home care nurse from the hospital was due to make her scheduled call early Sunday morning. Again, we decided that they would call me when she came, so that I could talk with her if for any reason she did not seem to understand the way they were looking at the situation and what it was they were trying

to assure for their father.

The nurse called Sunday morning, and to my great relief, I found her to be intuitive and conscientious. She told me she was shocked that this situation had been allowed to deteriorate, that she felt responsible and outraged, and that it was unthinkable that such a case should be allowed to "fall through the cracks in the system."

She also said she had worked with Cambodian families before, and had come to understand how important it was that they be able to be with their father, and that he be at home if possible. She said that as the homecare nurse responsible for the local refugee community, she wished she knew more so that she could better help other families. She talked about her regrets that she wasn't able to be as supportive of the first refugee families she worked with because communication had been very poor.

Chhoeun called me to say that her father-in-law was much calmer. The nurse had entered his name on the homecare hospice list so that he could die peacefully at home, without unnecessary and unwanted medical attention. She told us that while the funeral home had been correct that calling 911 was appropriate, she wanted the family to understand their other options. Working with the hospice, instead, would mean that no attempts would be made to resuscitate their father, if those were the family's wishes. The emergency medical team, on the other hand, would have to make that attempt.

Sunday night there were perhaps thirty people gathered at the house. As on Saturday night, the monks had come from the local Cambodian Buddhist temple and were preparing to do a long session of chanting the protective texts that ease the mind of the dying person. The room was full of candles, incense, one or two large religious pictures. All the furniture was gone, but for one standing lamp and the mattresses Chhoeun's father-in-law was lying on. Again, his daughters were taking turns massaging his legs and chest. But tonight he was lying very quietly. His mental facul-

ties were good, and the whole family had been able to talk with him.

After a two-hour service, the monks were taken back to the temple. The older people stayed on and gathered around the mattress, massaging Chhoeun's father-in-law, chewing betel nut, drinking iced water, and singing very slow, deep, traditional songs. I left, promising to bring back two more large pictures of the Buddha--necessary so that the dying person's last visual image can be of something auspicious and religious that will help shape his next life.

When I returned on Tuesday, he was more quiet. The room was really crowded, with 35-40 people sitting almost silently on the floor. All the family was gathered as closely around their father as they could, alternately fanning him and massaging him. Each time he appeared to stop breathing, his son would hold his hands and repeat the name of the Buddha loudly in his ear. People kept arriving silently at the door, finding themselves a place on the floor, and taking up their place in the prayers. At 7:20, he died quietly. We all chanted more softly for about 20 minutes, then stopped. People fell back, exhausted, when the monks appeared outside the door. My friend held his father's hands while everyone moved around on the floor to adjust a space for the monks to sit and begin their service.

I went to the apartment across the hall, with Chhoeun. We called the hospice. No, they assured us, we didn't need to call the funeral home until the next morning when the family was ready. The nurse on duty and I discussed the similarity of the all-night prayer session this Cambodian family wanted and the Irish wake. She assured me that the family's feelings would be respected.

So, Chhoeun's father-in-law was able to die in the way of his people. After losing so much of what mattered to him, I thought how wonderful it was that his family was able to give him this last gift of continuity with the past.

Not everyone believes the government should play a role in funding elderly programs. "This is not a problem to throw money at," said one voluntary agency source. He said most elderly are cared for by family members, and many who have been in the United States for several years have formed active social programs funded out of their own pockets.

One ORR-funded program for the elderly is an employment training project for refugees 45 years and older in Richmond, Virginia. According to Kathy Cooper, project director, the program has 30 Vietnamese and Cambodian participants whose average age is fifty. The oldest is just under 60. The program provides English-as-a-second-language (ESL) and job skills training. "The goal is to place people in jobs above the minimum wage," Cooper said. Thus far, 20 have been placed.

"Each placement, so far, has been successful," Cooper said, "but we're just beginning to look at 90 day retention rates," ORR's measure of a successful placement.

Despite the progress, "the program has been hard to sell" to the refugees, Cooper said. "No one is lined up at the door."

One reason may be that Southeast Asians have a different view of when a person becomes elderly. "In Vietnam, the retirement age is 55," said Ngoan Le, executive director of the Vietnamese Association in Chicago. According to the Population Reference Bureau, life expectancy is much shorter in Southeast Asia: 43 years in Cambodia, 44 in Laos, and 59 in Vietnam. Life expectancy in the United States is 76 years.

Social Interaction Emphasized in MAA Programs Employment is not the goal of an innovative project in Philadelphia funded by the Florence V. Burden Foundation and the Ford Foundation. The project, called Learning English through Intergenerational Friendship, or LEIF, brings young college students together with elderly refugees for one-on-one English language tutoring. The program has "no vocational goal," according to Gail Weinstein-Shr, director. "We believe that life should not be confined to reading the want-ads."

Project LEIF is serving 125 Hmong and Cambodian refugees, aged 40 and older, in four centers. One learning center is located in a Cambodian Buddhist Temple. "It

means so much for the elderly to form relationships with tutors," Weinstein-Shr said. She believes the elderly can overcome learning difficulties, and that "research seems to show that adults do have some advantages over the young because of their experience with learning."

Several new programs are designed to bring the elderly together to socialize with their peers. In Minneapolis, the federal government's Administration on Aging is funding a program which works through Vietnamese, Lao, Hmong, and Cambodian mutual assistance associations (MAAs).

The activities at four centers include weekly English classes, cooking, Asian movies, field trips to museums, the zoo and parks, gardening (most popular with the Hmong), and crafts, according to Khaen Sinakhone, community services program specialist for the project. The program also recruits elderly to visit other aged who are homebound.

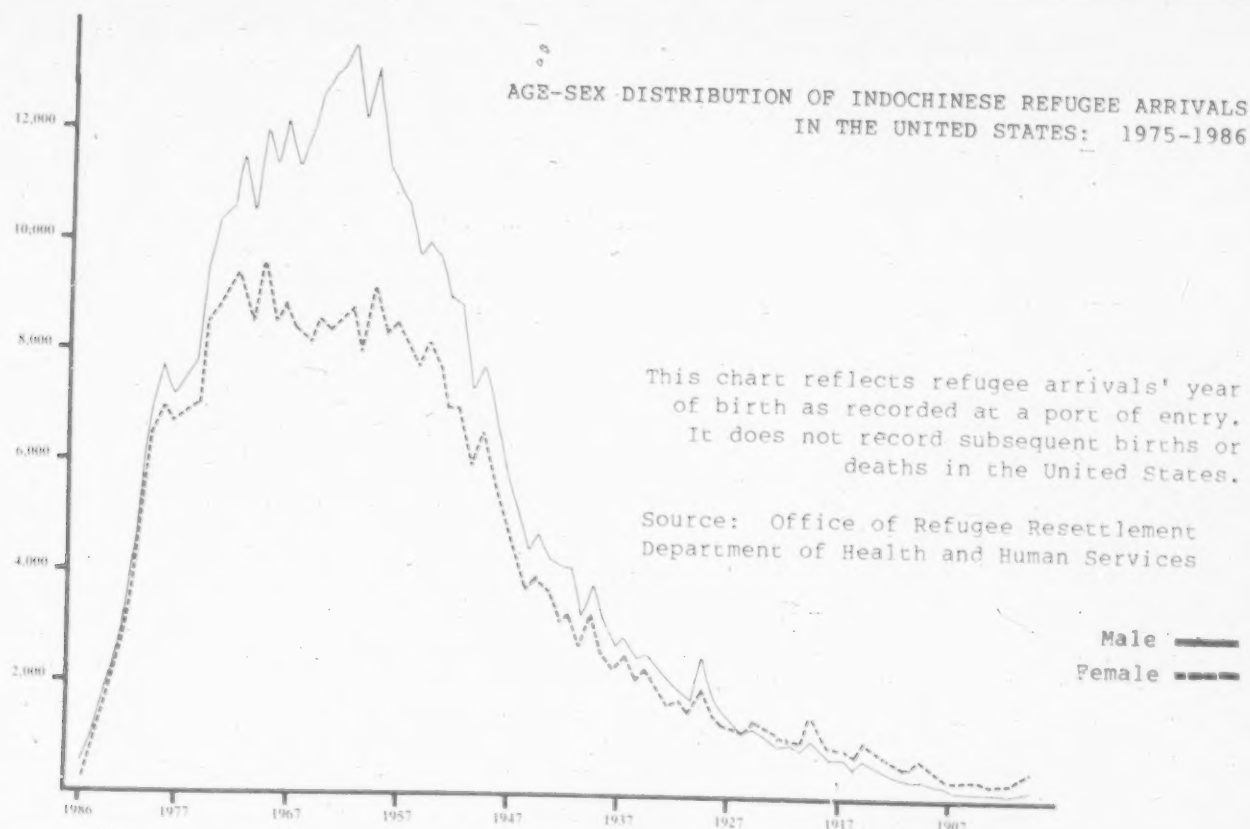
Sinakhone says the role of the temples has also been instrumental in improving the lives of the elderly. "Before, young people would not make a major decision without consulting them. But here, the grandparents couldn't drive or speak the language and became isolated. Many blamed their grandchildren. Since the establishment of the temples, around 1980, the elderly seem to enjoy more of their previous role. And they can go out to the temple to socialize."

Elderly Centers Thrive in Chicago, Houston, Santa Ana In Chicago, Ngoan Le directs a program of recreation and counseling services for Vietnamese elderly.

The program, which began in January, is funded by Borg-Warner and the Retirement Research Foundation, and serves Vietnamese 55 and older, whose population in the metropolitan area Le estimates at 400.

The center features ESL and recreational activities, and houses a library. Word of the center is beginning to get around, but, Le says, "We have to move very slowly because most elderly aren't used to participating in these kinds of activities."

In Santa Ana, California, 50 elderly Southeast Asians and Hispanics come to a center run by the Vietnamese of Orange County, Inc. Mai Cong, president of the Board of Directors, says the center offers English classes, recreation programs (cards



and board games), and daily Vietnamese meals for those over 60 years old.

Mai Cong said, "the first participants looked fragile. But after being in the program for three months, they look happier and healthier." She said, "the Vietnamese felt strange at the regular senior center. They felt like they didn't fit in."

A similar program operates in Houston, funded by the city, said Chi Do. Forty to fifty elderly take part in a daily schedule of ESL, math, yoga, and handicrafts. They each receive a free hot lunch, also.

Many Elderly Are Homesick Length of stay in the United States does not diminish the elderly refugees' ties to their homelands, or their religious beliefs, those working with the elderly say. "They have a dream of returning home," Mai Cong says, "but it's only a dream."

"Things are getting better [in the United States]," Sinakhone says, "but they will never be like they were."

Some become so homesick, they actually try to return. One voluntary agency source said a number of Vietnamese have inquired

about returning. Wendy Batson, co-director of the Indochina Project in Washington, D.C., said that elderly Lao have applied for visas to go home. She said the United Nations High Commissioner for Refugees (UNHCR) actually oversaw the repatriation of one aged woman who still had family in Laos.

Most refugees will never return, and for them strengthening ties to their religious traditions becomes more important. "Many elderly illiterate want to learn their own language in order to read the scriptures before they die," Kretzmann said.

When death nears, it can be frightening--not because it is a great unknown--but because for many elderly refugees it means they will die far from their ancestors.

"All the elderly talk about having a cemetery plot for their own people," Le said. "They feel that since they can't die in their homeland, they should die with their countrymen."

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Mai Cong has a drawing. It was given to her by an elderly Vietnamese. "This is us," he said, as he handed it to her. It depicts a woman who has no mouth and no ears.

ELDERLY SOVIET JEWS COPE WITH AMERICAN LIFE

Elderly Jewish refugees from the Soviet Union show a high degree of homesickness and often feel that they are no longer as valued by their children, according to service providers. At the same time, they have shown remarkable resiliency and resourcefulness in creating among themselves a sense of community and mutual support. While by all accounts from the field they are being well provided for by American Jewish service agencies, they tend to be somewhat alienated from American Jews on a personal level.

Service providers consistently note the difficulty of generalizing about these elderly emigres--for every problem noted, a countervailing strength comes to mind. A 1982 report entitled "The San Francisco Emigre Senior Population" captures their uniqueness: "Extremely sensitive to real or imagined insults (ya ochin obizhen--I am very insulted--heard by workers daily), they can be excitable, emotional and easily show their ruffled feelings. Constantly searching for praise and respect, unsure of whom they can trust, fearful they may have been overlooked or neglected, persistent in their expressions of their wants, not understanding their new culture...this group places special demands on workers, who need much patience and sheer stamina to work with them.... Those of us who work with this population can rejoice in their energy, humanity, warmth and joie de vivre in the face of all their problems. At the same time we can become frustrated by their seeming extremes and contradictions in behavior: aggressiveness coupled with passivity, desire for independence coupled with extreme dependency needs."

The Major Challenge: To Feel Valued

"Most live well, have their own apartments and the material things, but have lost the feeling of being needed, of being valued by their children," said Yelena Klyotskin, a social worker with Jewish Family Services in Baltimore, Maryland.

Although Jewish families in the Soviet Union often have three generations sharing a single apartment, the older Soviet Jewish emigres tend to live separately, often in senior high rise apartment buildings. "We expect people to live separately here,"

said Gail Kramer, coordinator of immigrant resettlement services of Jewish Family Services of Baltimore. As a consequence, many reportedly feel alienated from their children, who don't visit enough, and isolated, because of reluctance to make use of public transportation due to fear and language barriers.

On the other hand, others report that many prefer to live separately, seeing it as one of the freedoms they could not enjoy in the Soviet Union. "Many now living with their families are looking for their own place," said Barbara Litt, senior emigre department director of the San Francisco Jewish Community Center (JCC).

While the strong family ties that existed in the Soviet Union seem to have eroded somewhat upon resettlement, many of the older refugees have become involved in social activities with each other. Most seem to benefit from a network of Jewish social service agencies. Service providers from various cities mentioned hot kosher meals programs, English classes, religious and cultural events, and recreational activities. English classes are popular, not only because study is seen as a traditional Jewish approach to understanding a new situation, but also because it provides an important social function.

Relations Sometimes Strained with American Jewish Community While the organized Jewish community has been very receptive and supportive of Soviet Jewish refugees, the same has not always been the case on an individual, informal level. One of the most common expressions among older Jewish refugees is: "In Russia I was a Jew; in America, I am a Russian." Many feel that they were not accepted as Russians in the USSR and have not been accepted as Jews here.

"They come from a different socioeconomic background from most American Jews," said Mark Hofkin of the Rustleton Medical Center in Philadelphia. "The agencies are helpful, but individuals have not been so helpful." He observed, "They mostly stick to themselves."

The degree to which the Soviet Jewish seniors have created a close-knit community of their own is especially evident in San Francisco, where they have formed the Association of Elderly Emigres Club for Yiddish Culture. They create and fund their own

programs, plan lectures, parties, and trips. They have established an impressive library of Russian and Yiddish books, many of which are contemporary, banned works from the USSR.

"The seniors here have created a community for themselves," said Barbara Litt of the San Francisco JCC, which serves as the center of their activities. "This is like a home for them," she said. "They are here every day." Celebration of Jewish holidays is popular, as are Yiddish and Russian movies, lectures, and other cultural events.

Strong Bonds Develop with Grandchildren

Service providers report that elderly Soviet Jews frequently care for grandchildren, especially in after-school care while parents are still at work. Newborns, however, are also a great source of pride. "When the first grandchild is born here, it really helps them to establish roots," said Judy Schwartz, site director of the David G. Neuman Senior Center, affiliated with the JCC in Philadelphia. Schwartz said that many of the Jewish families in Philadelphia do still live together, and, when they don't, they usually make an effort to live close by.

Litt said that their children are frequently so busy working that they don't have time for community activities. As a consequence, the seniors play a particularly important role in bringing their grandchildren into Jewish communal activities, and creating a strong bond with the newest generation of Jewish immigrants. The renewed interest among the elderly in religious customs and practices that had been discouraged in the Soviet Union is attributed, at least in part, to a desire to encourage Jewish identity for their grandchildren, according to service providers.

Programs Work to Meet Elderly Needs

A variety of programs are directed towards the elderly Soviet Jewish population. The Bustleton Medical Center, for example, specializes in serving Russian and other Slavic-speaking refugees in Philadelphia. A social worker on the staff helps with the bureaucracy and the wider service network. Many of the older Jewish refugees have six or seven different primary diagnoses, indicating that many lingering problems had been untreated or undertreated in the Soviet

Union for years. "They have learned to live with their ailments, and tend to be fatalistic, objecting to aggressive treatment," said Hofkin. "We need to drag them by the heels to help."

In San Francisco, the L'Chaim-Senior Center has a non-medical program for frail, elderly Russian-speaking emigres. Serving 170 people with an average age of 80, one goal of the program, according to its director, Linda Solomon, is to give a respite to family members in caring for them. The center features art classes, English lessons, and Russian and Yiddish cultural activities. "Outside, they don't always feel valued," said Solomon, "but here they are valued."

In New York City, the New York Association for New Americans (NYANA) has been working closely with older Soviet and East European refugees in job development. Under a one-year federal demonstration grant from the Office of Refugee Resettlement (which defines elderly refugees as 45 and older), NYANA was able to place about one-third of its caseload of more than 300 persons. Soviet emigres comprised 81 percent of the total. NYANA has recently begun a new grant through the New York State Department of Aging for a similar program for refugees age 55 and older. "We've dispelled the myth that older people don't want to work full-time," said Alice Adesman, coordinator of NYANA's older refugee program. She said that the refugees prefer on-the-job training rather than longer term training outside the workplace. Adesman also challenged the notion that refugees are reluctant to take jobs of a lower status than the more professional positions held in the Soviet Union. "They will take other jobs," she said, "but they are looking for a job in a good environment, such as a school or a library."

Adesman said that language is a major obstacle to acculturation, and that the refugees need a vocational tie to really learn the language. She also said that many of the older Soviet refugees who don't work have a self-perception of being older than they are. She said that some of the program counseling is directed toward getting people to feel good about themselves, to not think of themselves as old at 45 to 50 years old. "We have seen their lives change because of work," she said. "They are so happy working, the response has been terrific."

Update

° The Immigration and Naturalization Service has indicated that it is withdrawing a proposed rule that would have prohibited some individuals admissible to the United States as immigrants from entering as refugees. The proposed rule stated that "any refugee applicant for refugee status...who may be eligible for classification under [the immigrant preference system of the Immigration and Nationality Act], and for whom a visa number is now available or may become available within twelve months, shall not be admitted as a refugee unless the Attorney General has determined that it is in the public interest."

"There has been an enormous amount of misunderstanding as to the impact and intent of this rule," said Ralph Thomas, an INS deputy assistant commissioner for refugees, asylum, and parole.

° On May 1, Senators Edward M. Kennedy (D-Mass.) and Robert Dole (R-Kan.), along with five other senators, introduced a resolution calling for the release of political prisoners by the government of Vietnam. In a Senate speech, Kennedy said the resolution "calls upon Vietnam to do what it agreed to do when it negotiated and signed the orderly departure agreement with the United Nations High Commissioner for Refugees in 1979--to process and give exit visas to family reunification cases."

Terming the resolution "totally nonpolitical and totally nonpartisan," Dole noted that at least 6,000 political prisoners remain in jail after 12 years.

° A State Department official has indicated that 5,500 Hmong refugees will resettle in the United States in July, August, and September. Of these, about 2,400 will be resettled in California, 700 in Wisconsin, and 700 in Minnesota.

The city of Fresno, California will be the initial resettlement site of about 800 of this group of Hmong, according to Terry Rusch, acting director of placement for the State Department's Bureau for Refugee Programs (see Refugee Reports, Vol. VIII, No. 4). During the same three month period,

she said, about 350 Hmong will resettle in Merced, about 300 in Sacramento, 150 in San Diego, 125 in Stockton, and 60 to 70 in Modesto. The remaining 600 or so will be scattered in smaller numbers throughout the state.

Rusch said she did not expect secondary migration to California to be sizeable for two reasons. The Hmong communities in Wisconsin and Minnesota are "quite stable," she said, adding that, "virtually 100 percent of the cases involve family reunification." These factors suggested that Hmong would have less motivation to leave their initial resettlement sites, according to Rusch.

° On April 17, 175 Cambodians were removed from Khao I Dang refugee camp in Thailand and relocated to Site B, an encampment on the Thai-Cambodian border, according to UN sources. This was the second movement of unregistered Khao I Dang residents back to the border. On March 1, Thai authorities had escorted 230 people back to Site B, a camp administered by Cambodians loyal to Prince Norodom Sihanouk.

° More than 50 Cubans have arrived in Florida by inner tube rafts so far in 1987, the highest number since the 1980 Mariel boatlift.

The Cuban government has recently reduced prison sentences for those caught attempting to leave, from two years to six months, according to an interview with Cuban refugees in the Krome Avenue Detention Center, published by the April 15 Miami Herald.

The refugees also reported price hikes and a growing scarcity of goods in Cuba.

As far as formal refugee processing goes, Cuba has been releasing long-term political prisoners to the United States at a rate of two per week in recent months, in an apparent effort to avoid the level of publicity achieved last year when larger numbers of former prisoners arrived in the United States at one time. A total of 47 Cubans have been processed into the United States as refugees in the first six months of FY 87.

° On April 5, a national referendum in Switzerland overwhelmingly approved a government-proposed law that would make it more difficult to receive political asylum in the

country.

The new measures, which are scheduled to go into effect in October, permit the government to limit indefinitely the number of refugees admitted into the country if there is a sudden increase in arrivals. The law also sanctions the detention of rejected asylum applicants and requires the registration of asylum seekers at specific border crossings.

On May 5, the Senate Labor and Human Resources Committee reported a bill to the full Senate that would permit up to 25 percent of bilingual education funds to be spent on alternative methods of instruction, such as English-as-a-Second-Language and immersion (see Refugee Reports, Vol. VII, No. 1). The current cap is 4 percent. The measure, introduced in the Senate on March 26 by Senators Claiborne Pell (D-R.I.) and Dan Quayle (R-Ind.), would also require students to leave bilingual programs after three years. Funding preference would be given for alternative instructional methods to small school districts, and to those where many languages are spoken.

Recent Developments

INS LEGALIZATION PROGRAM OPENS TO MIXED REVIEWS

A nationwide effort that may provide legal resident status for up to 4 million undocumented aliens began May 5, amid cautious optimism as well as concern that many of the agencies and organizations involved are not fully prepared for such a massive undertaking.

The target of much of the criticism is the Immigration and Naturalization Service (INS), the lead federal agency in the legalization program. Critics in Congress and in the private, voluntary sector charge that INS has not provided adequate funding or support for successful implementation of the program.

In a recent hearing of the House Budget Committee, Rep. Charles E. Schumer (D-N.Y.) said the administration was "choking the law" through insufficient funding. Rep. Martin Frost (D-Tex.) said, "I am deeply

concerned that the INS, despite its heroic efforts to begin implementing this law...is in fact ill-prepared, and that the potential for chaos is real."

In testimony on May 7 before the Senate Committee on Appropriations, INS Commissioner Alan Nelson defended the agency's work, saying, "We think the program is working amazingly well given the period of time we have had to prepare. Staff are in place and the fees we are charging are fair."

The legalization program, as authorized in the new immigration law enacted last November, will enable aliens to achieve legal status if they can prove that they "resided continuously" in the United States with illegal status since January 1, 1982.

Counseling and Legalization Offices Open

On May 5, the Immigration and Naturalization Service (INS) opened 107 legalization offices around the country with 2,000 staff to process applications. The program, which runs through May 4, 1988, is expected to generate anywhere from 2 to 3.9 million applications for temporary resident status. INS officials have said they expect to approve about 85 percent of the applications they accept as complete and "non-frivolous."

INS has also selected about 300 organizations with close to 600 offices throughout the country to counsel applicants and assist them in completing their application forms. These groups, known as "qualified designated entities" (QDEs), will receive \$15 from INS for each completed application that is accepted for further processing by an INS legalization office.

QDEs that are coordinating programs at the national level through a network of local affiliates will receive an additional reimbursement of \$1 per application for administrative costs. There are 12 of these national coordinating agencies: the U.S. Catholic Conference/Migration and Refugee Services (USCC/MRS); the American Council for Nationalities Service; Lutheran Immigration and Refugee Service; the Presiding Bishop's Fund, an arm of the Episcopal Church; the Martin Luther King, Jr. Farm Workers' Fund; the International Ladies Garment Workers' Union; the American Farm Worker Opportunities Program; SER-Jobs for Progress; the Congress for Racial Equality; Metropolitan Analysis and Retrieval Systems, Inc.; the Indochina Resource Action Center;

and World Relief.

INS Criticized for High Fees In budget requests for implementing the immigration law, INS asked for no funding for the legalization program, indicating that the estimated \$125 million cost of the program would be recovered in application fees. Mandatory INS charges include a \$185 application fee for each adult, \$50 for each child under 18, with a maximum of \$420 per family.

"It is inappropriate to place the entire financial burden of this program squarely on the backs of the eligible population," said Gilbert Carrasco, director of immigration services for USCC/MRS, in testimony before the House Budget Committee. He described the "zero funding" of legalization as "the most telling imbalance in the budget proposals." Carrasco recommended that congressional appropriations earmark money to fund the program adequately.

INS Publishes Final Program Rules On May 1, INS published its final rules for implementing the legalization program.

In one amendment of previously proposed rules, the final INS regulations state that continuous residence will be considered broken by a single absence from the country of 45 days or more, or by aggregate absences of 180 days or more. Further, INS will allow for "brief, casual, and innocent" absences of no more than 30 days outside the country between November 6, 1986 and May 1, 1987.

Earlier drafts of the rules would have excluded anyone who had left the country after November 6, and prohibited single absences of 30 days or more and aggregate absences of 150 days or more. The proposed rules had also prohibited any absences from the country after November 6.

The final regulations "are substantially better in a number of respects," said Charles Kamasaki, director of policy analysis for the National Council of La Raza. He cited the new allowance for absences after November 6, and a rule allowing INS examiners to waive provisions relating to the likelihood that an alien might become a public charge. In order to be admissible as an immigrant, an alien must be able to demonstrate a capacity to maintain an income without recourse to public assistance.

"These changes are welcome and will make

a difference," said Kamasaki.

Carrasco told Refugee Reports that he was "disappointed" with the final INS regulations. He was "very concerned" about the INS requirement that applicants can only be given a medical examination by a "designated civil surgeon." Carrasco called this "an entirely unnecessary additional bureaucratic burden."

INS Attitude is "Key" "The key issue is: What is INS's attitude about legalization?" said Kamasaki. He noted that there were many people in INS who were "working very hard to see this succeed," but added, "We also know that INS is a very decentralized agency with an overall enforcement bias. The jury is still out. Our job as QDES is to work with INS to legalize as many people as we possibly can within the time we have."

GROUP CALLS FOR REVIEW OF REJECTED CAMBODIANS, CITING SUPREME COURT DECISION

An American advocacy group based in Bangkok, Thailand, has submitted a petition to the Immigration and Naturalization Service (INS) requesting that INS review the cases of 5,000 to 12,000 Cambodians in Khao I Dang refugee camp who were previously rejected for U.S. admission. The Cambodian Crisis Committee cited a recent Supreme Court decision that established a more liberal standard for asylum cases in the United States, saying in the petition that "a new standard allows a fresh start."

On March 9, the Supreme Court ruled that the government had applied an overly restrictive interpretation of the phrase "well-founded fear of persecution" in denying asylum to a Nicaraguan woman, Luz Marina Cardoza-Fonseca. INS lawyers had argued that the standard for establishing "well-founded fear," a phrase that is central to the definition of a refugee as found in the Refugee Act of 1980, was equivalent to the standard for establishing a "clear probability" of persecution, (see Refugee Reports, Vol. VII, No. 3).

At Cardoza-Fonseca's deportation hearing, the immigration judge had rejected her case because she could not establish a "clear probability" of persecution. In the case, the judge applied a standard of proof requiring her to show that she would "more

likely than not" be subject to persecution if returned to her home country.

The Supreme Court ruled 6-3 that the "'clear probability' standard does not govern asylum applications." The decision stated that the reference to "fear" in the "well-founded fear" standard "makes the asylum eligibility determination turn to some extent on the alien's subjective mental state, and the fact that the fear must be 'well-founded' does not transform the standard into a 'more likely than not' one."

"Cardoza-Fonseca teaches that a case decided under a misapprehension of the standard has to be reconsidered," the Crisis Committee petition argues, and suggests that the Supreme Court decision applies to all cases "which were or may have been rejected in whole or in part under the 'well-founded fear' standard."

Decision Means More May Be Eligible for Admission

Of the 12,200 Cambodians in Khao I Dang who have been rejected for admission to the United States, about 4,800 were rejected "exclusively" for their failure to meet the refugee definition, and many more were rejected "in part" because they could not establish a well-founded fear of persecution, according to the Cambodian Crisis Committee.

Attorney James E. Mitchell, counsel to the group, submitted the petition for a new hearing on behalf of Tang Song Chia, a rejected refugee in Khao I Dang, "and all persons similarly situated."

"I think there is a basis for this petition," said Arthur Helton of the Lawyers Committee for Human Rights. "The same liberal standard should apply in both refugee and asylum interviewing," he told Refugee Reports. "I'm not sure that Cardoza-Fonseca requires INS to go back in every case," Helton said, "but the authorities must review in cases where a redetermination is requested."

Ralph Thomas, an INS deputy assistant commissioner for refugees, asylum, and parole, told Refugee Reports that he has seen the petition and agreed that "the standard of evidence is a common one for refugee and asylum cases." But in reference to the rejected Cambodians, Thomas said, "There are not that many marginal cases in which Cardoza-Fonseca would make a difference."

"Where there is a basis for a motion to

reopen or reconsider a case, we can do it on an individualized basis," Thomas said, adding, "I don't think there is any way of reading the Supreme Court decision that they expected us to open a large number of cases."

In a March 25 cable to worldwide diplomatic and consular posts, Secretary of State George Shultz said, "It is too early to know precisely what effect the decision will have on grants of asylum and refugee admissions. Clearly, the use of a lower standard than was followed in the past will result in more people being eligible for asylum or refugee admission than previously."

Khao I Dang has been officially closed since December 31, 1986. Thai authorities have indicated that camp residents will be moved gradually to border camps. At least 400 unregistered Cambodians have been moved to Site B, an encampment on the Thai-Cambodian border.

DUARTE REQUEST STIRS U.S. DEBATE ON SALVADORAN DEPORTATIONS

A request by Salvadoran President Jose Napoleon Duarte asking the United States to defer deporting undocumented Salvadorans affected by the new immigration law has touched off a debate in the administration, Congress, and the press.

Duarte's appeal essentially argued that the return of large numbers of Salvadorans would cause severe economic hardship to the country (see Refugee Reports, Vol. VIII, No. 4).

National press reports in late April cited a letter from a "senior State Department official" to Attorney General Edwin Meese, asking that he honor Duarte's request by granting "extended voluntary departure" (EVD) to Salvadoran nationals in the United States. EVD prevents the deportation of particular nationalities for set periods of time, and is currently in effect for Afghan, Polish, and Ethiopian nationals.

Following reports of the letter, articles appeared in major newspapers about a split between the departments of State and Justice on the issue.

However, on May 11, a press spokesman for the State Department told Refugee Reports that press reports about such a letter were "in error" and that the State

Department is still studying President Duarte's request. In any event, said the State Department spokesman, "the decision is up to the Department of Justice."

An April 30 New York Times editorial blasted the Duarte request. "To grant the Salvadorans temporary refuge on the basis of Mr. Duarte's economic appeal," the editorial said, "would twist the idea of refugee into subsidy."

Responding in a May 12 letter-to-the-editor, Duarte wrote, "The economic implications you dismiss as unworthy of consideration are far more real, more immediate and more important to the liberty, security, and happiness of Salvadorans than the dubious claims of political persecution by a handful of asylum seekers."

GAO Reports on Conditions for Returned Salvadorans On May 13, the House rules subcommittee held hearings on the Moakley/DeConcini bill (H.R. 618 in the House; S. 332 in the Senate) that would provide a temporary stay of deportation for Salvadorans and Nicaraguans pending the outcome of a Government Accounting Office (GAO) study on conditions of displaced people there.

The hearing focused attention on the final report from the GAO, Illegal Aliens: Extent of Problems Experienced by Returned Salvadorans Not Determinable. The report commented on an earlier study by the Inter-governmental Committee for Migration (ICM) to the effect that returned Salvadorans had not been persecuted.

The GAO found, "While the [ICM] reports do not specifically state that individuals have experienced political persecution, they do state that some returnees have experienced personal security problems." The report notes that 70 personal security problems had been reported as of February 1987, and that ICM was seeking to assist some returnees to emigrate to other countries with humanitarian resettlement programs.

The GAO report cited one case in which a returnee reported to ICM that men were trying to kill him. ICM reportedly sent him an application for Canada's resettlement program and tried to locate him to ensure that he returned the application. He then again reported to ICM that his situation was worsening. Nine days later he was killed. The Salvadoran police report indicates that the men who shot him came into a bar looking

for him. Other testimony said he was shot during a fight over a soccer match.

The GAO reported that "the reliability of statistics developed by ICM, human rights organizations, and the U.S. Embassy in San Salvador is limited, and thus the frequency or extent of political violence experienced by returnees cannot be determined."

EFFORTS SOUGHT TO BREAK CUBAN LOGJAM

Observers of Cuban-American relations see a deep chill and little chance for thaw. A senior Cuban Foreign Ministry official responsible for U.S. relations recently said, "Our relations have dipped lower than we thought could be the lowest point."

In the face of such poor prospects, several initiatives are underway to create movement on issues arising from the suspension of the U.S.-Cuban immigration agreement in May 1985, following the start of Radio Marti broadcasts by the United States.

Under the agreement, signed in December 1984, Cuba had promised to take back 2,746 Cubans from the Mariel boatlift deemed excludable from the United States due to mental illness or past serious criminal offenses. The United States agreed to process up to 3,000 former political prisoners annually as refugees and to normalize immigration by issuing up to 20,000 immigrant visas per year, as is normal practice with other countries.

A bill introduced by Sens. Frank R. Lautenberg (D-N.J.), Charles E. Grassley (R-Iowa), and Lawton Chiles (D-Fla.) on April 22 would resume the U.S. part of the agreement. The bill, S. 1075, would reinstitute normal immigration from Cuba and third countries without regard to the disposition of the excludable Mariel Cubans.

Under current U.S. policy, the only exception to the suspended immigration agreement is for former political prisoners who had been imprisoned for ten years or more (see Refugee Reports, Vol. VII, No. 10). The Lautenberg bill calls for processing as refugees any Cubans imprisoned for political reasons without regard for the duration of imprisonment.

In introducing the bill, Lautenberg said, "It is unfair and unwarranted to punish Castro's own victims for Castro's behavior towards the United States. It

penalizes people who have already suffered at Castro's hands, in his jails, for their opposition to his regime. Why does it punish them? Because they had the misfortune, if one can call it that, only to be jailed for 10 years, not more."

On the House side, a move spearheaded by Rep. Bill Richardson (D-N.M.) is under way to introduce an amendment to the State Department authorization bill when it reaches the House floor that would normalize immigration for Cuban nationals and restore the processing of Cuban political prisoners under the refugee program.

ACLU Files Petition on Behalf of Mariel

Detainees A sense of frustration continues about the fate of the excludable Mariel Cubans now in the United States as well. The American Civil Liberties Union (ACLU) filed a petition on April 17 with the Organization of American States (OAS) challenging what amounts to indefinite detention of these aliens.

Some 3,300 Mariel Cubans are currently estimated to be incarcerated in various U.S. detention facilities. About 300 have been detained continuously for seven years now; the others have been imprisoned after committing crimes here. Many have served sentences, sometimes for relatively petty crimes, but have been detained by the Immigration and Naturalization pending eventual return to Cuba.

"There is no more tragic circumstance in the immigration context," Wade Henderson, legislative counsel for the ACLU, told Refugee Reports. "It is analogous to the Dred Scott case of the 1850s, when black people were deemed not to be persons in the meaning of the Constitution."

Having exhausted legal remedies within U.S. law when the Supreme Court declined to hear an appeal of their case last October, the ACLU is now turning to the OAS in the hope that its Inter-American Commission will find the United States in violation of international human rights agreements.

Reader Exchange

* The American Civil Liberties Union (ACLU) and the Mexican American Legal Defense Fund (MALDEF) are distributing a

questionnaire for collecting information about employment discrimination based on national origin or citizenship status. The collection of data will permit the nationwide documentation of discrimination resulting from employer sanctions that might arise from the Immigration Reform and Control Act of 1986. The data will be used to generate information for the first GAO discrimination report due in November 1987, which will inform Congress about whether employer sanctions have resulted in "a pattern of discrimination against eligible workers."

To receive a copy of the questionnaire, contact the ACLU Immigration Task Force at 132 W. 43rd St., New York, NY 10036 (212) 944-9800, or the MALDEF Immigrants Rights Program at 634 South Spring St., Los Angeles, CA 90014. (213) 629-2512.

Resources

BIBLIOGRAPHY GATHERS IMMIGRATION WORKS

A new bibliography collects the extensive literature relating to American immigration. The New American Immigration: Evolving Patterns of Legal and Illegal Immigration: A Bibliography of Selected References comprehensively documents the books, articles, journals, reviews, dissertations, and congressional and governmental publications on the subject.

The 448-page clothbound volume, published in April 1987 by the Garland Publishing Company, 136 Madison Ave., New York, NY 10016, is available for \$54.

IMMIGRATION REFORM AND CONTROL ACT EXPLAINED

A new publication analyzes and explains the new Immigration Reform and Control Act. Understanding the 1986 Immigration Law, by the editors of the immigration law weekly, Interpreter Releases, provides a practical analysis of the law and its application.

The book is available for \$30, plus \$3.50 for handling, from Interpreter Releases/Sunbelt Fulfillment Services, P.O. Box 41094, Nashville, TN 37204. (615) 377-3322.

U.S. DEPARTMENT OF STATE
BUREAU FOR REFUGEE PROGRAMS
Summary of Refugee Admissions, First Half of FY 87

COUNTRY OF CHARGEABILITY	FY ADMISSIONS AS OF 3/31/87	FY 87 CEILING	COUNTRY OF CHARGEABILITY	FY 87 ADMISSIONS AS OF 3/31/87	FY 87 CEILING
AFRICA			EASTERN EUROPE		
Angola	30		Albania	28	
Ethiopia	517		Bulgaria	60	
Lesotho	4		Czechoslovakia	613	
Malawi	2		Hungary	306	
Rwanda	1		Poland	1,872	
South Africa	39		Romania	1,263	
Uganda	8		Soviet Union	538	
Zaire	3		Yugoslavia	2	
Zambia	3				
TOTAL AFRICA	607	(3,500)	TOTAL EASTERN EUROPE	4,682	(10,000)
SOUTHEAST ASIA			LATIN AMERICA		
Cambodia	616		Cuba	47	
Laos	4,171		TOTAL LATIN AMERICA	47	(4,000)
Highland (2,193)					
Lowland (1,978)			NEAR EAST ASIA		
Vietnam	6,680		Afghanistan	1,750	
Land and Boat (6,674)			Iran	3,230	
Other (6)			Iraq	57	
EAST ASIA FIRST ASYLUM	11,467	(32,000)	TOTAL NEAR EAST ASIA	5,037	(8,000)
ORDERLY DEPARTURE PROGRAM	2,416	(8,500)	SUBTOTAL		(66,000)
TOTAL EAST ASIA	13,883	(40,000)	UNALLOCATED RESERVE*		(4,000)
			GRAND TOTAL	24,256	(70,000)

*The FY 87 admissions ceiling includes an unallocated reserve of 4,000 for "contingent refugee admission needs," to be used only after consultation with Congress, and only to the extent that private sector funding is available to support admissions using the reserve.

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